

North Ayrshire Council  
14 December 2022

At a Meeting of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

**Present (Physical Participation)**

John Bell, Marie Burns, Joe Cullinane, Anthea Dickson, Stewart Ferguson, Todd Ferguson, Robert Foster, John Glover, Cameron Inglis, Margaret Johnson, Amanda Kerr, Christina Larsen, Shaun Macaulay, Tom Marshall, Jean McClung, Nairn McDonald, Matthew McLean, Louise McPhater, Ian Murdoch, Donald L. Reid, Chloé Robertson, Ronnie Stalker, Angela Stephen and John Sweeney.

**Present (Remote Electronic Participation)**

Timothy Billings, Eleanor Collier, Scott Davidson, Tony Gurney, Alan Hill, Davina McTiernan, Jim Montgomerie and Donald Reid.

**In Attendance**

C. Hatton, Chief Executive; C. Cameron, Director (Health and Social Care Partnership); R. McCutcheon, Executive Director (Place); A. Sutton, Executive Director and R. Arthur, Head of Service (Connected Communities) (Communities and Education); M. Boyd, Head of Service (Finance); F. Walker, Head of Service (People and ICT); and A. Craig, Head of Service, R. Lynch, Senior Manager (Legal Services) and L. Taylor, Team Manager (Legal); M. McColm, Senior Manager (Communications), M. Anderson, Senior Manager (Committee and Member Services) and H. Clancy and C. Stewart, Committee Services Officer (Democratic Services).

**Apology**

Scott Gallacher.

**Chair**

Provost Dickson in the Chair.

**1. Provost's Remarks**

The Provost welcomed those present to the meeting and dealt with preliminary matters, including intimation that the meeting, which was taking place on a hybrid basis, would be live streamed to the internet.

**2. Apologies**

The Provost invited intimation of apologies for absence, which were recorded.

### **3. Declarations of Interest**

There were no declarations of interest in terms of Standing Order 11 and Section 5 of the Councillors' Code of Conduct.

There were no declarations of the Party Whip.

### **4. Previous Minutes**

The accuracy of the Minutes of the Meeting held on 2 November 2022 was confirmed and the Minutes signed in accordance with Paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### **5. Provost's Report**

Submitted report by the Provost for the period from 24 October - 4 December 2022.

The Provost referred to two events omitted from her written report, namely the opening of Harper House in Stevenston on 21 November 2022 and attendance at the Ayrshire Division Police Awards for 2022 in Ayr Town Hall.

The Provost then highlighted the following elements of her written report:

- attendance at the opening of four Developing Young Workforce projects: two in Lockhart Campus, one with Justice Services and one in Garnock Community Campus; and
- praise for the ongoing work of the North Ayrshire Violence Against Women and Girls partnership, which recently led an active 16 Days of Activism programme

Provost also took the opportunity to extend her best wishes for a very happy Christmas and peaceful New Year.

### **6. Leader's Report**

Submitted report by the Leader of the Council for the period from 24 October-4 December 2022.

The Leader offered her very good wishes for the festive period.

Noted.

## **7. Council Minute Volume**

Submitted for noting and for approval of recommendations contained therein, the Minutes of meetings of committees of the Council held in the period 10 June - 29 November 2022.

Noted.

## **8. Congratulatory Motion**

In terms of Standing Order 15.3, the undernoted motion, proposed by Councillor Gurney and seconded by Councillor McClung, was submitted:

"Council congratulates Ardrossan Winton Rovers Under 14 Girls football team in their recent success in winning the Erin Cuthbert SW Region U14s league.

Council also notes that in doing so they remained undefeated for the whole season and commends both their success and their application. Achievements like this do not come easily, and this team turns up to train twice a week in all weathers as well as playing their games at the weekend.

Council recognises these girls as exceptional ambassadors for the women's game, their sport, Ardrossan Winton Rovers, and the local area."

There being no dissent, the motion was declared carried.

The Provost took the opportunity to add her own congratulations to the Ardrossan Winton Rovers under 14s Girls Football Team on their recent league winning success, referring to the team as excellent ambassadors for women's football and for the youth of North Ayrshire.

## **9. Appointment to Committee**

The Council was invited to note the nomination of Councillor Burns to serve on the new Skills Investment Fund Sub-Committee of the Ayrshire Regional Economic Joint Committee, as one of the Council's current representatives on the joint committee.

Noted.

## **10. Review of Accounting Arrangements for PFI and Similar Contracts**

Submitted report by the Head of Finance on proposals to revise the current methodology used to determine the statutory repayment of debt charged to the General Fund in relation to the Council's service concession contracts. Appendix 1 to the report highlighted the current arrangements for charging the debt repayment element to the General Fund and illustrated the application of the financial flexibility.

Members asked questions, and received clarification, on the following:

- the retention of flexibility with regard to the future use of funding; and
- the scope of the report's recommendations, in terms of adopting revised financial arrangements, rather than determining the use of funding.

Councillor Larsen, seconded by Councillor Burns, moved approval of the recommendations set out in the officer's report.

As an amendment, Councillor Foster, seconded by Councillor Sweeney, moved as follows:

"This is a significant decision that will defer the cost of private finance initiatives (both PPP and NPD) onto future generations (for example £6.672million in 2056/57). Council, therefore, instructs officers to organise an all-Member briefing to fully understand the decision to be made and the potential implications of it. Thereafter, the paper shall return to a future meeting of the full Council for decision."

Members asked a question of clarification in respect of the amendment, the response to which confirmed that postponing consideration of the report to the next meeting of the Council would not adversely impact the Council's budget preparations.

In terms of Standing Order 16.5, Councillor Larsen, with the agreement of her seconder, agreed to withdraw her motion in favour of the amendment, which then became the substantive motion. There being no further amendments, the substantive motion was declared carried.

Accordingly, the Council agreed as follows:

- (a) that officers organise an all-Member briefing to fully understand the decision to be made and the potential implications of it; and
- (b) thereafter, the report be submitted to the meeting of the full Council on 15 February 2023 for decision.

## **11. Douglas Park: Proposals for Future Use of Tennis Court Area**

Submitted report by the Executive Director (Communities and Education) on proposals relating to the Tennis Court area of Douglas Park, Largs, the outcome of recent public engagement, and a recommendation to progress alienation of the area from Largs Common Good with the purpose of leasing the area to Largs Tennis Club. A layout plan was attached at Appendix 1 to the report.

In response to a point of order by Councillor Marshall, the Provost confirmed that she would ensure adherence to the five-minute time period for speaking to a motion or amendment, as provided for in Standing Order 16.1.

Councillor Hill, seconded by Councillor Collier, moved approval of the recommendations set out in the report, subject to the following changes:

“Council agrees to progress both Option 1 and on a restricted basis Option 2 and that the paper should be amended to provide for the proposed leasing of the existing tennis courts at Douglas Park as follows:

- 3 tennis courts (Area 2 on the plan) to Largs Tennis Club, and
- 4 tennis courts (Area 1 on the plan) to the Community Growing Project.”

Councillor Marshall, seconded by Councillor Todd Ferguson, moved approval of the recommendations set out in the officer’s report.

As a further amendment, Councillor Murdoch moved approval of the recommendations set out in the report, subject to the following changes:

“Council agrees to progress both Option 1 and on a restricted basis Option 2 and that the paper should be amended to provide for the proposed leasing of the existing tennis courts at Douglas Park as follows:

- 4 tennis courts (Area 2 on the plan) to Largs Tennis Club, and
- 3 tennis courts (Area 1 on the plan) to the Community Growing Project.”

Having failed to find a seconder, Councillor Murdoch’s motion fell.

Members asked questions of officers, in respect of the availability of funding for seven new tennis courts, the likely fees which would be apply to use of the courts by the public, and the financial viability of the Community Growing Project.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, S. Ferguson, T. Ferguson, Glover, Inglis, Marshall, McLean, Donald Reid, Stalker and Stephen (10) and for the motion, Councillors Bell, Burns, Collier, Cullinane, Davison, Dickson, Foster, Gurney, Hill, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McPhater, McTiernan, Montgomerie, Murdoch and Robertson (20), Councillor Donald L. Reid and Sweeney abstaining, and the motion was declared carried.

Accordingly, the Council, having considered the proposals regarding the future use of the Tennis Courts at Douglas Park, Largs, agreed as follows:

- (a) to note the outcome of the public engagement regarding the proposed future use of the Tennis Courts at Douglas Park, Largs;

- (b) to authorise officers to progress alienation of the area from the Largs Common Good by progressing the leasing of the existing Tennis Courts at Douglas Park as follows:
  - (i) 3 tennis courts (Area 2 on the plan) to Largs Tennis Club, and
  - (ii) 4 tennis courts (Area 1 on the plan) to the Community Growing Project.
- (c) to refer the business applicants (Largs Dog Park and the Pooch Pad) to the Council's Business Development team to progress commercial options; and
- (d) that the Council's costs for the legal process in relation to the Common Good be met from the Council's existing Community Asset Transfer Start Up Fund.

## **12. Questions**

In terms of Standing Order 14, submitted:

- (1) a question by Councillor T. Ferguson to the Cabinet Member for Education in the following terms:

"To ask the Cabinet portfolio holder for Education how many primary and secondary school children in North Ayrshire have received a free laptop or tablet as per the SNP election promises made in May 2021?"

Councillor Macaulay thanked the Member for his question and responded in the following terms:

"In the academic session 2021-22, North Ayrshire Council distributed 1000 Chromebook laptops to pupils across all schools who needed them most in P5 and S2. The methodology for calculating the distribution model began with an analysis of indicators of personal deprivation, including Footwear and Clothing grants and free school meals, and was refined at school level to ensure that everyone in these year stages who needed a device was able to receive one. These devices enable children and young people to access digital learning at home (a stock of connectivity devices is also available for anyone who does not have wi-fi at home).

The exercise has been repeated for session 2022-23 and again 1000 Chromebook laptops have been ordered for this year's P5 and S2 cohorts and will be ready for distribution after the Christmas holidays"

On a point of order in terms of Standing Order 14.11, Councillor Foster queried the accuracy of the Cabinet Member's response, on the basis that the Chromebooks may have been provided through the Council's Cost of the School Day Fund and not by the Scottish Government.

Councillor Macaulay undertook to clarify the position with regard to the funding of devices.

As a supplementary question, Councillor T. Ferguson referred to a Freedom of Information response in August 2022 which indicated that the Council had yet to receive any digital devices in terms of the Scottish Government policy promise, whilst it appeared that other Councils had received significant numbers. Councillor Ferguson asked what the Cabinet Member planned to do to ensure a quicker delivery of devices under this scheme, to avoid young people in North Ayrshire being disadvantaged.

Councillor Macaulay responded by advising that the Scottish Government was undertaking a review and engaging with Councils to establish what support was already in place for young people. The Cabinet Member confirmed that, in the meantime, any young person requiring a device could have one made available to them.

On a point of Order in terms of Standing Order 14.11, Councillor Foster queried the accuracy of the Cabinet Member's response to the supplementary question.

Councillor Macaulay confirmed that any young person needing a device should get in touch with the Service to arrange it.

(2) a question by Councillor D. Reid to the Cabinet Member for Place in the following terms:

"To ask the Cabinet Member for an update on the delivery of the 2022/23 roads, structures and street lighting maintenance programme."

Councillor Davison thanked the Member for his question and responded in the following terms:

"The Roads, Structures and Street Lighting Maintenance Programme for 2022/23 is progressing well.

The carriageway maintenance investment programme is nearing completion. Of our carriageway resurfacing projects 96% of the works are complete, with works currently ongoing in Milton Quadrant and High Street Kilbirnie. Bathville/Parkview/Pundeavon Avenue/Lynne Drive, Kilbirnie and Gigha Terrace/Gigha Wynd, Irvine are outstanding and will be completed before the end of March 2023. Carriageway resurfacing in Stanley Road and Galloway Place, Saltcoats has had to be rescheduled into 23/24 to enable an assessment of the existing drainage infrastructure following a flood event in September this year. Our footway resurfacing programme is underway and all remaining works are programmed for completion by 31 March 2023.

Structures are well on target to spend the approximate £1m budget allocated for 22/23. Works are about 75% complete and the full budget allocation will be expended by the financial year end.

Likewise, the Street Lighting Capital Programme is currently on schedule to spend all of the £1.58m Physical Infrastructure Renewal Investment and the £490k lantern energy efficiency allocated through the NAC Investment Fund by the end of March 2023."

As a supplementary question, Councillor D. Reid asked what rising costs would mean for future investment in, and condition scoring of, North Ayrshire roads.

Councillor Davidson responded by giving examples of significant rises in costs associated with roads and lighting works and advising that these would require to be factored into the programme for 2023/24, which would be presented to Cabinet in February/March 2023.

(3) a question by Councillor Johnson to the Leader of the Council in the following terms:

"Does the Leader agree with me that the leaking of confidential papers shows a complete lack of integrity and respect towards all North Ayrshire Council staff, fellow Elected Members and the voting public?"

Councillor Burns thanked the Member for her question and responded in the following terms:

"Yes, I absolutely agree with her. Not only is it disrespectful, but it undermines the trust needed between Members and officers to work together for the benefit of our residents and our communities. I have seen this happen in other councils, but never in the ten years that I have been a councillor has it happened in North Ayrshire. I don't really know what leaking this information was meant to achieve, but we now have staff heading into Christmas worried about their jobs. That's despicable. And I don't know how whoever leaked what is only a discussion at this stage – the same discussion with potential options that we have every year – can look at themselves in the mirror. I would remind anyone watching this that no decisions will be made on the budget until 1 March 2023 and, when they are made, all options will be discussed and the final decision will be made by all Members in this Chamber."

(4) a question by Councillor Inglis to the Cabinet Member for Place in the following terms:

"To ask the Cabinet Member for Place if they could update the Council on the action that will be taken to fix the recently vandalised toilets at the Braes in Saltcoats."



Councillor Davidson thanked the Member for his question and responded in the following terms:

“The Public Conveniences (PCs) at the Braes suffered some recent fire damage through vandalism. The fire damage this time was limited. The FM team provided a deep clean of the affected area and noted that some remedial painting would be required to bring the site up to a reasonable standard. The FM team sourced the required painting materials and carried out the work as quickly as possible. The PCs were then reopened to the public on Friday 2 December.

Unfortunately, the site was again targeted with antisocial behaviour within 48 hours of reopening. By Sunday 4 December, the site had all toilet roll and soap dispensers kicked off the walls, the disabled bin emptied into the street outside with the addition of graffiti to the walls. The FM team have cleaned all possible areas and requested that replacement dispensers be fitted again as soon as possible.”

(5) a question by Councillor Sweeney to the Cabinet Member for Education in the following terms:

“To ask the Cabinet Member what prelims were set to take place on Wednesday 7 December 2022?”

Councillor Macaulay thanked the Member for his question and referred to the following written response:

“On Wednesday 7 December, Arran High School was open to all pupils, Auchenhavie Academy and Largs Academy were open to S5/6 pupils enabling any planned prelims to take place in these schools.

Whilst Garnock Community Campus (secondary), Irvine Royal Academy, Kilwinning Academy and St Matthew’s Academy were closed to pupils on Wednesday 7 December, no prelims were affected.

Prelims were planned at Ardrossan Academy and Greenwood Academy as follows:  
Ardrossan Academy:

- National 5 and Higher Music (practical)
- National 5 Cookery (practical)

Greenwood Academy:

National 5 Music Technology  
National 5 Sociology  
National 5 Chemistry

In both of these schools, arrangements have been made to reschedule these exams for another date.”

As a supplementary question, Councillor Sweeney referred to an Elected Member briefing by the Head of Service (Education) which advised that only Largs Academy would remain open for prelims and all mainland secondary schools would be closed on the day of the strike, and asked for an explanation for the difference in some schools’ arrangements for prelims.

Councillor Macaulay responded by advising that, at the point the briefing was provided, the position was as presented to Members. The Cabinet Member reported that it subsequently became possible to open a further school and it was decided to open Arran High School as it was safe to do so. Councillor Macaulay offered his apologies for the late notice to Members during what had been a fast-paced decision-making process.

(6) a question by Councillor Marshall to the Cabinet Member for Education in the following terms:

“The National Improvement Framework interactive Evidence Report Statistics for Local Authorities published in 22 November 2022 recorded the percentage of combined P1, P4 and P7 pupils achieving the expected grade in Curriculum for Excellence (CfE) combined.

For North Ayrshire the numeracy levels recorded in 2018-19 was 79.4% and in 2020-21 was 67.4%. A drop of 12 points or 15%.

Given that this now means that fully one third of these pupils are failing to achieve the expected grade in Numeracy in CfE what plans do the Administration have to rectify these unacceptable figures?”

Councillor Macaulay thanked the Member for his question, having made reference to the impact of the pandemic throughout Scotland and the subsequent slight recovery of 8 percentage points in one year, advised that further targeted improvement would be closely monitored by Cabinet. The Cabinet Member then referred to the following written response:

“Nationally published attainment statistics in numeracy for North Ayrshire Council primary aged pupils declined in 2020-21 (during the pandemic). Prior to this North Ayrshire learners performed better than the national cohort in terms of the percentage who achieved the expected Curriculum for Excellence level in primary numeracy.

It is widely accepted that the pandemic had a significant impact on pupil learning, and even more so in the areas of highest disadvantage across Scotland. As a result, attainment levels declined in North Ayrshire (as they did across Scotland) in 2020-21 in primary numeracy. Locally, Head Teachers have identified the principal reasons for this as a high level of interrupted learning, pupil and staff absence and periods of national lockdown as a direct result of the pandemic.

In its attainment report in June 2022, the Education Service confirmed it had introduced additional interventions in numeracy throughout session 2021-22, with significant efforts in every school to recover from the impact the pandemic has had on attainment. On 27 September 2022, it was reported to Cabinet through the "Education Service Standards and Quality Report 2021-22," that numeracy attainment for session 2021-22 had increased to 75%, a recovery of 8 percentage points in one year.

This year's Education Service Improvement Plan seeks to improve outcomes further through high quality learning, teaching and assessment and, importantly, the development of a new three-year raising attainment strategy. Based on an analysis of attainment so far this year, the Education Service currently projects that the primary numeracy attainment figure will continue to recover this year, rising to 77% for session 2022-23, although this figure will continue to be refined in the coming months prior to the final submission of attainment data in June 2023."

As a supplementary question, Councillor Marshall referred to the increase in the poverty-related attainment gap between 2018 and 2021 and asked what the Cabinet Member intended to do to address it.

Councillor Macaulay responded by expressing his frustration at the increase in the poverty-related attainment gap and his view that decisions made by the UK Government, together with the pandemic, had had a significant impact on teaching staff and learning. The Cabinet Member referred to the report to Cabinet, which showed a rise in attainment following a dip during the pandemic, and indicated that there were improvement plans in place to increase that further.

(7) a question by Councillor Foster to the Cabinet Member for Education in the following terms:

"To ask the Cabinet Member how much individual schools have used of their devolved budgets to pay off school meal debt to the Council?"

Councillor Macaulay thanked the Member for his question and referred to the following written response:

"In secondary schools, debt has been absorbed either through core school budgets, the school fund or PEF budgets in the following amounts over the last 5 years (or as far back as records are available), totalling approximately £12,400.

School	How much school meal debt has been absorbed by the school in last 5 years*	Number of years given if not 5 years
Ardrossan Academy	£2349.48	3 years
Arran High School	£0.00	1 year
Auchenharvie Academy	£929.70	2 years
Garnock Secondary	£1,012.70	4 years
Greenwood Academy	£198.00	2 years
Irvine Royal Academy	£5,635.00	2 years
Kilwinning Academy	£924.40	2 years
Largs Academy	£1,598.00	2 years
St Matthews Academy	£2,080.00	5 years
<b>TOTAL</b>	<b>£12,377.80</b>	

As a supplementary question, Councillor Foster asked whether the Cabinet Member would commit to ending this practice and allow schools to spend their devolved budgets on children's education.

On a point of order, the Monitoring Officer provided advice on the competence of the supplementary question in terms of Standing Order 14.7, in terms of questions which were the same as, or similar to, a question asked at Council in the previous six months. Having established that the matter had previously related to a motion rather than a question, the supplementary question was allowed.

Councillor Macaulay responded by reiterating that the Council did not pursue school meals debt and advised that this allowed an opportunity for officers to offer support to families who were struggling. The Cabinet Member expressed the view that, more generally, work should be done to consider the ways in which residents were in debt to the Council and the range of supports that could be offered to them.

(8) a question by Councillor McLean to the Cabinet Member for Finance in the following terms:

“Given the future funding constraints placed on the Authority, can the Cabinet Member for Finance indicate (i) areas where they believe the council should cut back on, in order to balance the budget; (ii) if their administration will take any steps to pay back any debts that the authority has, over and above the interest rate?”

Councillor Larsen thanked the Member for his question and responded in the following terms:

“(i) Balancing the budget is the responsibility of all Elected Members in the Chambers and, as we have not yet received the budget settlement, it would be presumptuous of me to comment on any budget proposals at this time.

(ii) Borrowing activity is incorporated in the Council’s Treasury Management and Investment Strategy which is presented to Council each year. Within this strategy the Council’s borrowing is measured against a number of prudential and treasury indicators to consider the affordability and impact of capital expenditure decisions. These indicators help the Council to demonstrate public accountability in relation to borrowing and investments. Within the context of this Strategy, the Council manages the Loans Fund in accordance with statutory regulations and maintains a range of debt arrangements, including maturity loans, equal instalment loans and temporary loans, all of which are repaid in accordance with their specific terms and conditions.”

(9) a question by Councillor Bell to the Cabinet Member for Finance in the following terms:

“Does the Cabinet Member agree with Council Directors of Finance, including our own Head of Service, who have written a joint letter to the Deputy First Minister stating that the financial pressures faced by Scottish Local Government are “unprecedented”, that the choices we face “come down to reducing services.....and reducing the number of jobs”, and unless “funding for Local Government is fair, sustainable and flexible”, “there is not a path to delivering balanced budgets”?”

Councillor Larsen thanked the Member for his question and responded in the following terms:

“I absolutely agree that we are living in unprecedented times, but that isn’t limited to just Scotland, it includes the rest of the UK and further afield. In terms of any choices we face, the Scottish budget for 2023/24 will be announced tomorrow, so it would be completely inappropriate for me to speculate on what the outcome of that would be.”

As a supplementary question, Councillor Bell asked whether the Administration was willing to seek to influence the Scottish Government to put the interests of the people of Scotland ahead of its own pet projects, which would mean concentrating on adequate pay rises for public sector workers and public infrastructure projects, rather than matters such as seeking to hold a referendum.

Councillor Larsen responded by indicating that public sector workers had said they were not intending to strike. Thereafter, the Cabinet Member referred to the financial settlement, which was due the following day and asserted that, whilst she could not discuss the specifics of that, it would prove that the SNP did think of the people of Scotland and not only themselves.

In terms of Standing Order 6.8, the Provost agreed that the meeting be adjourned at 3.30 p.m. for a short comfort break. The meeting reconvened at 3.40 p.m. with the same Members and officers present and in attendance (as previously by remote electronic means or in person).

(10) a question by Councillor McLean to the Cabinet Member for Education in the following terms:

“Can the Cabinet Member Education tell me what specific programme(s) exist in North Ayrshire in order support children who are academically gifted, and if none exist, if they intend to create one?”

Councillor Macaulay thanked the Member for his question and responded in the following terms:

“The remit of the education service is to meet the needs of all pupils and Curriculum for Excellence allows for planning at pace and with challenge.

There are currently no specific authority-wide programmes to support the most able learners in North Ayrshire. Nevertheless, we have invested in ensuring that we continue to develop a very highly skilled teaching workforce through, for example, our Professional Learning Academy. Our teachers are adept at differentiating the learning to ensure that pupils can progress at an appropriate level of pace, depth and challenge. We aim to ensure there is no ceiling on learning and our evidence shows a broad trend of improvement over time in learner outcomes across the wide range of abilities of our learners across North Ayrshire. Whilst there is always room for further improvement, there are no current plans to focus on the most able alone. Rather, our focus will continue to be on raising attainment across the board, at the same time as reducing the gap between the attainment outcomes of the most and least disadvantaged learners.”

As a supplementary question, Councillor McLean asked whether the Cabinet Member thought it was acceptable that the Curriculum for Excellence, as implemented in North Ayrshire, had no specific provision for academically excellent children.

Councillor Macaulay responded by referring to his written answer, which indicated that the Council focussed on supporting all young people to achieve the best outcomes they could. The Cabinet Member advised that this included those at the very highest end of academic achievement as well as those with additional barriers to their learning.

(11) a question by Councillor McDonald to the Cabinet Member for Health and Social Care in the following terms:

“To ask the Cabinet Member how many Carers Assessments have been conducted in the last year and how many (as a %) have been conducted within the 1-year period set out in the Carers Act”

Councillor Johnson thanked the Member for his question and responded in the following terms:

“In the 2021-22 year there were a total of 52 Adult and 55 Young Carers Assessments undertaken. There are no prescribed timescales to complete an Adult Carer Support Plan or Young Carer Statement unless the cared for individual is diagnosed with a terminal illness, in which case there are directed timescales for the offer and completion of a Carers Assessment. Assessments should be completed within a reasonable timeframe in line with carers’ individual set of circumstances, assessments are completed in a timely manner from the acceptance of the offer or at the point of request, there is no waiting list in North Ayrshire for a carers assessment to be completed.”

As a supplementary question, Councillor McDonald referred to reviews of carer assessments which, as a matter of good practice, should take place within a year and indicated that the low number of reviews in North Ayrshire was leading to carers feeling let down. Councillor McDonald asked if the Cabinet Member would work with him and with carer groups to ensure that the Carers Development budget, currently underspent by approximately £1m, was put to use in supporting carers.

Councillor Johnson responded by indicating a willingness to work with the Member.

(12) a question by Councillor McLean to the Cabinet Member for Place in the following terms:

“The BBC recently reported on house prices and rents throughout Scotland, in this report it was found that the Ayrshires collectively were the only place where prices and rents contracted, every other area had an increase. Why does the Member think that Ayrshire is considered less desirable than the rest of Scotland?”

Councillor Davidson thanked the Member for her question and responded in the following terms:

“I assume the Member is referring to the BBC article “What’s Next for Scotland’s Housing Market?”, which was published on 19 October 2022. It’s probably pertinent for me to point out there have also been very positive articles and publications in recent months about Ayrshire being a most desirable place to live. My answer, in short, to the original question is “no, I don’t consider Ayrshire to be any less desirable than the rest of Scotland” and, for anyone thinking of moving to Ayrshire, I’d highly recommend they do so.”

(13) a question by Councillor Kerr to the Leader of the Council in the following terms:

“To ask the Leader of the Council if the Ardrossan Ministerial Task Force has met again since its meeting on 28 June 2022”

Councillor Burns thanked the Member for her question and responded in the following terms:

“There has not been a meeting of the task force since June 2022, the minutes of which have now been published by Transport Scotland. The next Ministerial Task Force meeting is due on the 24 of January 2023.”

As a supplementary question, Councillor Kerr expressed concern at the lack of meetings and asked the Leader whether she could use her influence as co-chair of the task force to ensure regular meetings and whether Councillor Burns would also consider requesting a visit to the Ferguson Marine yard for local Elected Members.

On a point of order in terms of Standing Order 14.4, the Provost commented on the relevance of the supplementary question to the response to the original question. At the Provost's discretion, and with the agreement of the Leader, the supplementary question was, however, allowed.

Councillor Burns responded by providing an assurance that progress was being pursued by both officers and herself, although it should be noted that, like all capital projects at present, this project was experiencing inflationary pressures. The Leader advised that, given her experience, she would not benefit personally from a visit to the yard, but that, if local Members wished to request a visit, they did not require her permission to do so.

(14) a question by Councillor McLean to the Leader of the Council in the following terms:

“Does the Leader of the Council believe that Scotland is a colony of England, and that comparisons can be made between Scotland and Kosovo as the Scottish Government attempted in the Supreme Court earlier this month?”

Councillor Burns thanked the Member for his question and responded in the following terms:

“I have to say I'm disappointed that, yet again, the Tories are back to talking about the constitution. Councillor McLean's party has said we shouldn't be talking about the constitution in Westminster; we shouldn't be talking about the constitution in Holyrood; and yet now he wants to talk about the constitution in the Chamber of North Ayrshire Council.

I believe my personal opinion on legal arguments used in a recent court case are irrelevant to my role as Leader of this Council. However, if Councillor McLean wants to know my personal views on the constitution, I'd be happy to have a conversation with him at any time.”



(15) a question by Councillor Kerr to the Cabinet Member for Education in the following terms:

“To ask the Cabinet Member when the Council last met Scottish Futures Trust to discuss the Ardrossan Campus project?”

Councillor Macaulay thanked the Member for her question and responded in the following terms:

“The most recent meeting was on 12 December 2022.”

As a supplementary question, Councillor Kerr expressed concern about the detrimental impact of delays to the campus project and asked for reassurance that Scottish Futures Trust would make a commitment to contribute to the rising costs associated with the project.

Councillor Macaulay responded by undertaking to liaise with the Executive Director (Communities and Education) and, as appropriate, share with the Elected Member any available information on arrangements for the funding of Ardrossan Campus. In the meantime, the Cabinet Member reiterated his assurance that the campus remained the top priority in terms of capital projects.

### **13. Motions**

The Provost introduced this item of business, reminding Members that a period of 45 minutes was allocated for dealing with each motion, in terms of Standing Order 15.6.

In terms of Standing Order 15, submitted:

(1) a motion proposed by Councillor McDonald and seconded by Councillor Kerr in the following terms:

“North Ayrshire Council has a proud record of tackling hunger in our communities through initiatives like the Fairer Food Network and Wrap, Run and Fun. Council notes that a pre-pandemic Cabinet decision to implement an action plan to ensure all children in North Ayrshire will have access to a nutritious meal every day has not yet been delivered upon with our current initiatives not providing direct support to young people on free school meals at weekends. Council, therefore, instructs officers bring a report to Cabinet outlining options for weekend food provision.”

As an amendment, Councillor Macaulay, seconded by Councillor Larsen, moved as follows:

"North Ayrshire Council has a proud record of tackling hunger in our communities through initiatives like the Fairer Food Network and Wrap, Run and Fun. Council notes that all Members are part of budget deliberations and any Member or group can bring forward fully-costed initiatives during this process."

Members asked questions of clarification of the mover of the motion.

On a point of order in terms of Standing Order 15.4, Councillor Burns sought, and received, clarification from the Chief Executive with regard to the availability of the necessary officer resources.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Burns, Collier, Davidson, Dickson, S. Ferguson, T. Ferguson, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Murdoch, Robertson, Stalker and Stephen (22), and for the motion, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (9), Councillor Donald L. Reid abstaining, and the amendment was declared carried.

Accordingly, the Council agreed to note that all Members were part of budget deliberations and any Member or group could bring forward fully-costed initiatives during this process.

(2) a motion proposed by Councillor Foster and seconded by Councillor McDonald in the following terms:

"In line with our commitment to The Promise, Council agrees that an EIA be undertaken with immediate effect to take forward ending the practice of excluding care-experienced children from school and, subject to the findings of that assessment and relevant considerations, implement the necessary amendments to policy."

As an amendment, Councillor Macaulay, seconded by Councillor Johnson, moved as follows:

"In line with our commitment to The Promise, Council agrees that all staff remain committed to reducing exclusions, and the causes of exclusions particularly of care experienced young people. We remain committed to supporting care-experienced young people in a trauma informed, nurturing way that allows positive relationships to develop across the school community."

Members asked questions of clarification of the mover of the motion. A question on the availability of evidence to support the action proposed by the motion, was not permitted by the Provost on the grounds that it did not constitute a question of clarification.

There followed debate and summing up.

On a division and a roll call vote, there voted for the amendment, Councillors Billings, Burns, Collier, Davidson, Dickson, S. Ferguson, T. Ferguson, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Murdoch, Robertson, Stalker and Stephen (22), and for the motion, Councillors Bell, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie, Donald Reid and Sweeney (9), Councillor Donald L. Reid abstaining, and the amendment was declared carried.

Accordingly, the Council agreed that all staff remained committed to (i) reducing exclusions and the causes of exclusions (particularly of care-experienced young people) and (ii) supporting care-experienced young people in a trauma informed, nurturing way that allowed positive relationships to develop across the school community.

Councillor Donald L. Reid left the meeting during consideration of the following item of business.

(3) a motion proposed by Councillor McLean and seconded by Councillor S. Ferguson in the following terms:

"I move that North Ayrshire Council writes to The Rt. Hon. Michael Gove, Secretary of State for Levelling Up, Housing and Communities & Kate Forbes/John Swinney MSP Cabinet Secretary for Finance and the Economy to register interest and ask for backing for North Ayrshire to become Scotland's first Investment Zone, a scheme announced in recent budgets."

As an amendment, Councillor Gurney, seconded by Councillor Robertson, moved the direct negative.

As a further amendment, Councillor Foster, seconded by Councillor McPhater, moved as follows:

"Investment Zones will displace economic activity rather than generate new economic investment whilst offering a race to the bottom on tax, labour standards and the environment. North Ayrshire Council has opposed Freeports and Greenports for the same reason, as has the Ayrshire Economic Joint Committee.

Tory initiatives such as Investment Zones and Freeports are in direct contradiction to this Council's Community Wealth Building strategy. They would see the economic and social benefits of economic activity extracted from the local and regional economy rather than locking them in for the benefit of our communities and residents.

North Ayrshire Council therefore agrees to reject overtures for Investment Zones and reaffirms its commitment to an inclusive, fair and democratic economy through Community Wealth Building.”

Members asked a question of clarification of the mover of the first amendment.

There followed debate and summing up.

In terms of Standing Order 19.2, as there were two amendments, one of which involved the direct negative, Members were first invited to determine whether to “proceed” or “not proceed.”

On a division and a roll call vote, there voted to “proceed”, Councillors Bell, Billings, Cullinane, Foster, Kerr, McDonald, McPhater, Montgomerie and Donald Reid (9), and “not proceed”, Councillors Burns, Collier, Davidson, Dickson, S. Ferguson, T. Ferguson, Glover, Gurney, Hill, Inglis, Johnson, Larsen, Macaulay, Marshall, McClung, McLean, McTiernan, Robertson, Stalker, Stephen and Sweeney (21), Councillor Murdoch abstaining, and the decision not to proceed was declared carried.

Accordingly, in terms of Standing Order 19.2, the decision not to proceed having been carried by a majority of votes, the motion and remaining amendment fell.

(4) a motion proposed by Councillor McLean and seconded by Councillor Inglis in the following terms:

"I move that North Ayrshire Council writes to First Minister Nicola Sturgeon MSP, Kate Forbes/John Swinney MSP Cabinet Member for Finance and the Economy and Shona Robison Cabinet Secretary for Social Justice, Housing and Local Government to ask for an increased financial settlement in order to stave off the looming harm to North Ayrshire's budget and its impact on services.

Specifically, to ask:

- For the £20 million set aside in the Scottish Governments 2023-24 budget for a Constitutional Referendum be passported to North Ayrshire to eliminate current and ease future funding gaps.
- For a review of the budget for the office of Constitution, External Affairs & Culture given the Supreme Court ruling that Constitutional Affairs are a reserved matter
- For consideration for the estimated £1.5 Billion funding consequential from the new UK budget to be distributed to local government – given that this is extra funding and would have no detrimental impact on any Scottish Government aims or priorities.
- For consideration to be given for the £2b Scottish Government underspend to be distributed to local government."

On a point of order in terms of Standing Order 15.4, Councillor Gurney sought clarification as to competence of the motion in asking that correspondence be issued by "North Ayrshire Council". The Monitoring Officer confirmed that the terms of the motion were capable of being implemented and that the Chief Executive could write on behalf of the Council in his capacity as Head of Paid Service.

As an amendment, Councillor Hill, seconded by Councillor Gurney, moved the direct negative.

As a further amendment, Councillor McDonald, seconded by Councillor Kerr, moved as follows:

"North Ayrshire Council has lost over £120million of funding since 2010 as a result of austerity, funding that could have been invested in jobs, public services, infrastructure improvements and economic development.

Council is concerned that the Conservative government has used the catastrophic economic impact of their mini-budget as an excuse to inflict a further round of austerity. North Ayrshire Council, and our residents, cannot suffer more cuts.

Council notes that cuts to the Scottish Local Government settlement have been disproportionate in comparison to the Scottish budget.

North Ayrshire Council therefore agrees to write to First Minister Nicola Sturgeon MSP, John Swinney MSP, and Shona Robison to ask that the Scottish Government use its resources and devolved powers to deliver an increased financial settlement in order to stave off the looming harm to North Ayrshire's budget and its impact on services."

In the absence of debate, there followed summing up.

In terms of Standing Order 19.2, as there were two amendments, one of which involved the direct negative, Members were first invited to determine whether to "proceed" or "not proceed."

On a division and a roll call vote, there voted to "proceed", Councillors Bell, Billings, Cullinane, S. Ferguson, T. Ferguson, Foster, Glover, Inglis, Kerr, Marshall, McDonald, McLean, McPhater, Montgomerie, Donald Reid, Stalker, Stephen and Sweeney (18), and "not proceed", Councillors Burns, Collier, Davidson, Dickson, Gurney, Hill, Johnson, Larsen, Macaulay, McClung, McTiernan and Robertson (12), Councillor Murdoch abstaining, and the decision to proceed was declared carried.

On a further division and a roll call vote, there voted for the remaining amendment, Councillors Bell, Burns, Collier, Cullinane, Davidson, Dickson, Foster, Gurney, Hill, Johnson, Kerr, Larsen, Macaulay, McClung, McDonald, McPhater, McTiernan, Montgomerie, Donald Reid, Robertson and Sweeney (21), and for the motion, Councillors Billings, S. Ferguson, T. Ferguson, Glover, Inglis, Marshall, McLean, Stalker and Stephen (9), Councillor Murdoch abstaining, and the amendment was declared carried.

Accordingly, the Council agreed to write to First Minister Nicola Sturgeon MSP, John Swinney MSP, and Shona Robison to ask that the Scottish Government use its resources and devolved powers to deliver an increased financial settlement in order to stave off the looming harm to North Ayrshire's budget and its impact on services.

#### **14. Notice of motion to Amend Standing Orders**

(1) a Notice of Motion, by Councillor Foster, seconded by Councillor McDonald, submitted in terms of Standing Order 24 to seek to amend Standing Orders:

"(a) that clause 14.1 of Standing Orders be amended as follows:- the words "The question as tabled should not include supplementary or contextual text." where they occur on the fourth to fifth lines thereof shall be deleted and the words "The question as tabled should only contain contextual information as preamble that is directly related and sufficient to facilitate understanding of the question." substituted therefor

(b) that clause 14.2 of Standing Orders be amended as follows:-

- (i) the number "45" where it occurs on the first line thereof shall be replaced with the number "60"
- (ii) the words "within one hour of the meeting ending" shall be inserted between the words "provided" and "included" where they occur on the last line thereof

(c) that clause 14.3 of Standing Orders is deleted and replaced with the following:

"The process for selecting the order of questions for the agenda is as follows:

- Questions received are divided into lots:
  - Lot one - main Opposition;
  - Lot two - second Opposition;
  - Lot three - Independent Members and Opposition Parties with fewer than 2 members and
  - Lot four - the Administration;

- Questions will be put into each lot, by list, in the order received by the Chief Executive, unless all Members of the relevant group have given prior written agreement to the Chief Executive, that the order in which questions are listed in the lot for allocation can be specified by the leader of that group.
  - Questions will be allocated to the agenda in turn from each lot list. • The process proceeds until all questions have been allocated to the agenda.
- (d) that clause 14.4 of Standing Orders be amended as follows:-
- (i) the words “with contextual preamble” will be inserted between the words “question” and “tabled” where they occur on the first and second lines thereof.
  - (ii) the word “further” shall be inserted between the words “No” and “preamble” where they occur on the second line thereof.
  - (iii) the words “with contextual preamble” shall be inserted between the words “question” and “arising” where they occur on the sixth line thereof
  - (iv) the words “use best endeavours to” will be inserted between the words “will” and “arrange” where they occur on the penultimate line thereof.
  - (v) the words “within 24 hours from the 10am deadline.” shall be added after the word “provided” where it occurs on the last line thereof.
- (e) that clause 14.7 of Standing Orders be amended as follows:- with regard to the rule contained in the third bullet point thereof, the words “unless it is seeking a progress update on a previous answer given” shall be added after the word “months” where it occurs on the last line thereof.
- (f) that clause 15.2 of Standing Orders be amended as follows:- the words “For amendments proposed in relation to motions lodged under Standing Order 15.1, notice of amendment from the proposer and seconder must be emailed to the Chief Executive not later than 2pm on the Monday prior to the Council meeting and after having been checked for competency, will be circulated to Members in advance of the meeting” where they occur on the fourth to eighth lines thereof shall be deleted.
- (g) that clause 15.4 of Standing Orders be amended as follows:- with regard to the rule contained in the eighth bullet point thereof, the words “and agreement” where they occur on the penultimate line thereof shall be deleted.
- (h) that clauses 6.5, 19.5, 23.1 and 25.1(i) of Standing Orders be amended as follows:- the words “two thirds” where they occur within said clauses shall be deleted and the words “a majority” substituted therefor.”

The Council agreed to note that this motion would be subject to consideration at the next ordinary meeting.

## **15. Urgent Items**

There were no urgent items.

## **16. Provost's Closing Remarks**

The Provost closed the meeting by thanking Members for their participation.

The meeting ended at 5.00 p.m.